



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: March 4, 2005  
Comment Deadline: April 1, 2005  
Corps Action ID #: 200430314

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Mr. James Coble  
City of Albemarle  
P.O. Box 190  
Albemarle, NC 28002

**AGENT (if applicable):** Mr. Jan Gay  
Environmental Services, Inc.  
932 Hendersonville Road, Suite 106  
Asheville, NC 28803

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 404 of the Clean Water Act (33 USC 1344).

## Location

The proposed project is located at the existing City of Albemarle Landfill located on Valley Drive, east of the intersection of NC Hwy 52 and SR 1720, southeast of Albemarle, Stanly County, North Carolina (35.3018405°N -80.1461603°W). The site contains unnamed tributaries to Jacobs Creek, which flows into the Pee Dee River. The Pee Dee River reaches the Atlantic Ocean through Winyah Bay in South Carolina.

## Existing Site Conditions

The proposed landfill expansion would be located entirely within the property boundaries of the existing City of Albemarle landfill facility. The City of Albemarle facility is depicted on the U.S. Geologic Survey (USGS) 7.5-minute topographic quadrangle (Albemarle, NC) (Figure 1).

Elevations within the proposed expansion area range from a low of approximately 380 feet above mean sea level (MSL) to a high of approximately 450 feet above MSL. The lowest portion of the site is located at Jacobs Creek, west of the landfill expansion area.

Existing soils mapping provided by the Natural Resource Conservation Service (NRCS) indicates the proposed expansion area contains four soil series (Figure 2): Goldston, Enon, Badin, and Oakboro. The Oakboro mapping unit is a frequently flooded soil with hydric inclusions, generally found on long, narrow flood plains adjacent to upland sideslopes (USDA, 1989).

The proposed expansion area is located within a sub-basin of the Yadkin-Pee Dee River Basin. There are two streams located within the proposed expansion area, both of which are unnamed tributaries to Jacobs Creek. Their receiving water, Jacobs Creek, is approximately 0.5 downstream from the proposed expansion area. No High Quality Waters (HQW) or Outstanding Resource Waters (ORW) occurs within 3.0 miles upstream or downstream of the proposed landfill expansion area.

The majority of the proposed expansion area is composed of fallow pastureland. The only natural plant communities present within the proposed expansion area are dry oak-hickory forest and dry mesic oak-hickory forest (Schafale and Weakley, 1990). The dry oak-hickory forest is located along the northwest boundary of the proposed expansion area. Canopy composition is varied in this community, consisting of white oak (*Quercus alba*), northern red oak (*Quercus rubra*), mockernut hickory (*Carya tomentosa*), pignut hickory (*Carya glabra*), and loblolly pine (*Pinus taeda*), with scattered areas of winged elm (*Ulmus alata*). Understory species include flowering dogwood (*Cornus florida*), red maple (*Acer rubrum*), and sweetgum (*Liquidambar styraciflua*). Common shrubs, vines, and herbaceous vegetation include eastern red cedar (*Juniperus virginiana*), Chinese privet (*Ligustrum sinense*), muscadine grape (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), Japanese honeysuckle (*Lonicera japonica*), and Virginia creeper (*Parthenocissus quinquefolia*).

The dry mesic oak-hickory forest is located along the southeast boundary of the proposed expansion area. Canopy composition of this community consists of white oak, northern red oak, and mockernut hickory, and loblolly pine, with scattered areas of shagbark hickory (*Carya ovata*), shortleaf pine (*Pinus echinata*), and tulip poplar (*Tulipifera liriiodendron*). Understory species include flowering dogwood, sweetgum, and willow oak (*Quercus phellos*). Common shrubs, vines, and herbaceous vegetation include eastern red cedar, Chinese privet, groundsel-tree (*Baccharis halimifolia*), muscadine grape, poison ivy, Japanese honeysuckle, common greenbrier (*Smilax rotundifolia*), blackberry (*Rubus* spp.), dog fennel (*Eupatorium* spp.), and Virginia creeper.

Fallow pastureland occupies the majority of the proposed expansion area, with various herbaceous grasses and ornamental trees. Trees present within the fallow pastureland include tree-of-heaven (*Ailanthus altissima*), black locust (*Robinia pseudoacacia*), and common persimmon (*Diospyros virginiana*). Common vines and herbaceous vegetation include Japanese

honeysuckle, blackberry, Virginia creeper, buttercup (*Ranunculus bulbosus*), panic grass (*Panicum* spp.), and goldenrod (*Solidago* spp.). Two excavated ponds are present within the fallow pastureland.

### **Applicant's Stated Purpose**

The purpose of the proposed work is to create additional landfill cells so the existing facility can continue to operate. The 60-acre expansion site is located to the east of the existing cells and is within the area originally permitted for landfill operations by Stanly County.

### **Project Description**

The applicant has provided the following description of the proposed work. The proposed project site consists of approximately 60 acres adjacent to the existing 369-acre landfill. Plans submitted with the application show the proposed placement of fill into 2.46 acres of open water ponds and 0.36 acre of wetlands due to the landfill expansion.

Proposed impacts associated with the landfill expansion include the placement of fill into two open water ponds totaling 2.46 acres (Figure 4). Both ponds are man-made features located on an unnamed tributary to Jacobs Creek in the Yadkin Pee-Dee River Basin. The smallest pond (P2) is approximately 0.08 acre in size, approximately 5 feet deep, and is located upstream of the largest pond and wetland. The largest pond (P1) is 2.38 acre in size and is approximately 12 feet deep. The applicant conducted fish sampling during the summer of 2004 in P1 during low flow conditions. The sampling did not reveal any fish species in the pond.

Proposed impacts associated with the landfill expansion include the placement of fill into three jurisdictional wetland areas (Figure 4). Wetland 2 (W2) is the largest wetland area located between the two open water ponds. W2 is approximately 0.35 acres in size and consists of black willow (*Salix nigra*), cattail (*Typha latifolia*) and soft rush (*Juncus effusus*). The current or previous owners excavated this area during construction of the ponds, which have subsequently filled in with sediment over time. Wetland 1 (W1) is a very small wetland area (0.008 acre) located upstream of W2. W1 is a linear feature and contains the vegetation listed above in addition to broomsedge (*Andropogon virginicus*), beggars-tick (*Bidens* spp.) and various sedges (*Carex* spp.). Wetland 3 (W3) is a riparian wetland located adjacent to the stream channel located downstream of the largest pond. Vegetation in this wetland consists of sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), Chinese privet (*Ligustrum sinense*), blackberry (*Rubus* spp.), and soft rush (*Juncus effusus*). A shallow groundwater table and precipitation appear to be the main source of hydrology for all three wetland areas.

There are two stream segments within the proposed expansion area but will not be impacted as a result of the landfill expansion. Stream segment 1 (S1) is a perennial stream along the southern boundary of the expansion area and ultimately flows into Jacobs Creek. S1 has a width of 12-18 feet and bankfull depth of 12-16 inches with a cobble/bedrock substrate. Stream segment 2 (S2) is an intermittent channel that begins at the base of the largest pond dam until its confluence with Stream segment 1. S2 has a channel width of 3-4 feet, bankfull depth of 3-6 inches with a sand/gravel/cobble substrate. Fish species collected within the stream channels included bluegill

(*Lepomis macrochirus*), pumpkinseed (*Lepomis gibbosus*), golden shiner (*Notemigonus crysoleucas*), creek chub (*Semotilus atromaculatus*), redear sunfish (*Lepomis microlophus*), largemouth bass (*Micropterus salmoides*), and margined madtom (*Noturus insignis*). The applicant is proposing no fill in these stream channels.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Cyndi Karoly by Monday, May 2, 2005.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area and examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

## **Evaluation**

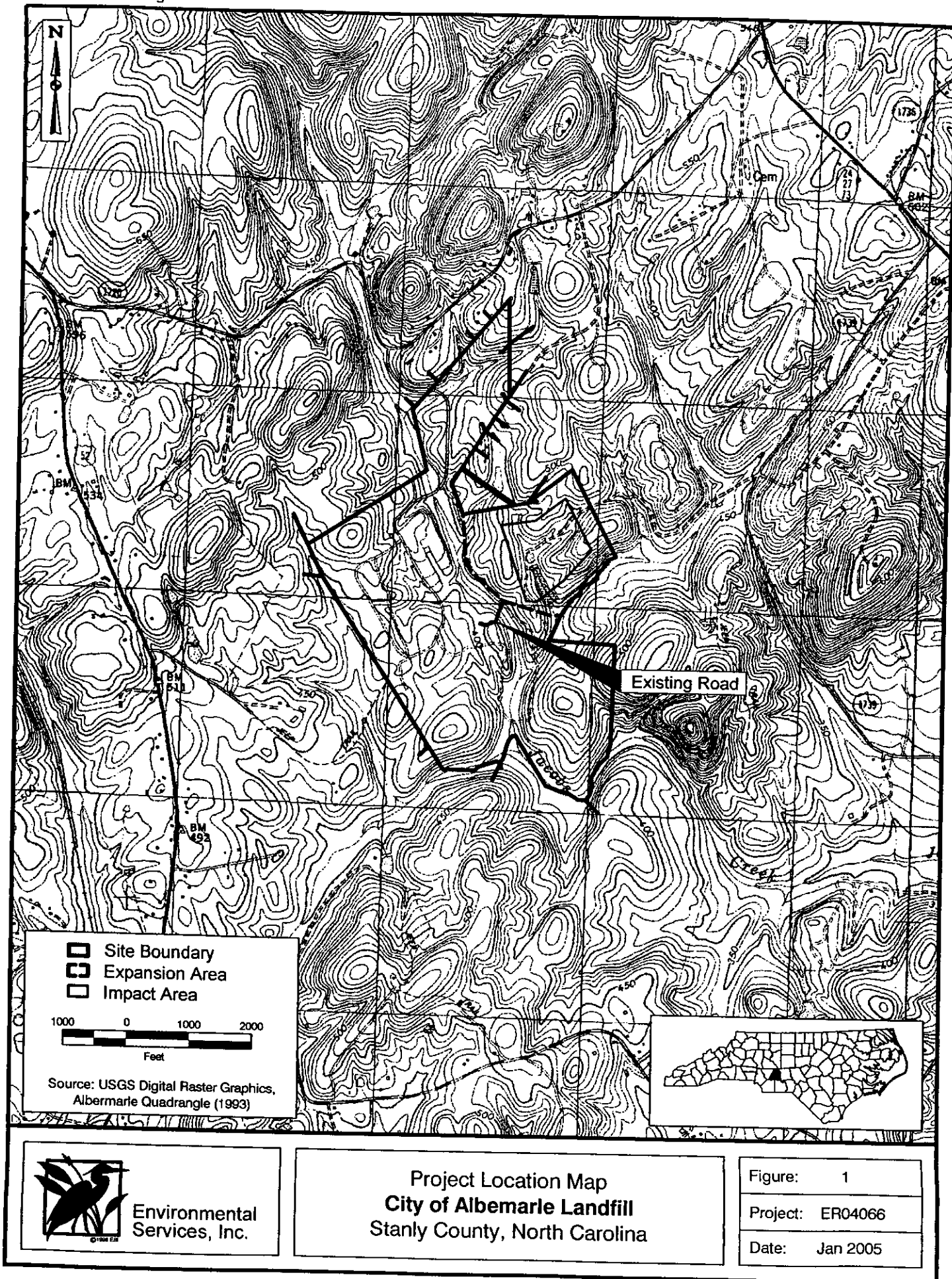
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

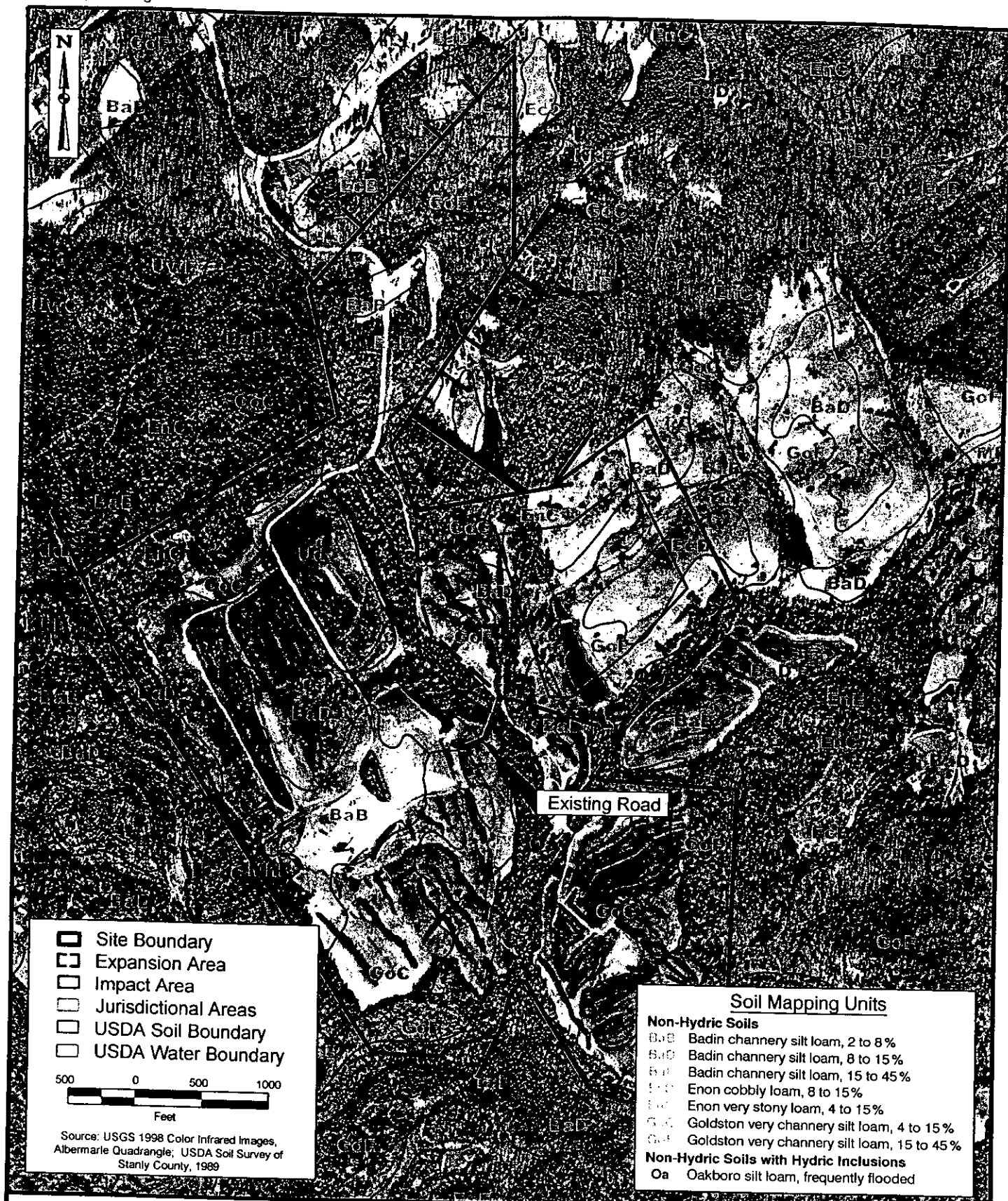
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm on Friday, April 1, 2005. Comments should be submitted to Ms. Amanda Jones, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006.



Environmental  
Services, Inc.

Project Location Map  
**City of Albemarle Landfill**  
Stanly County, North Carolina

ATD 2009 30 314



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Project Soils Map  
**City of Albemarle Landfill**  
Stanly County, North Carolina

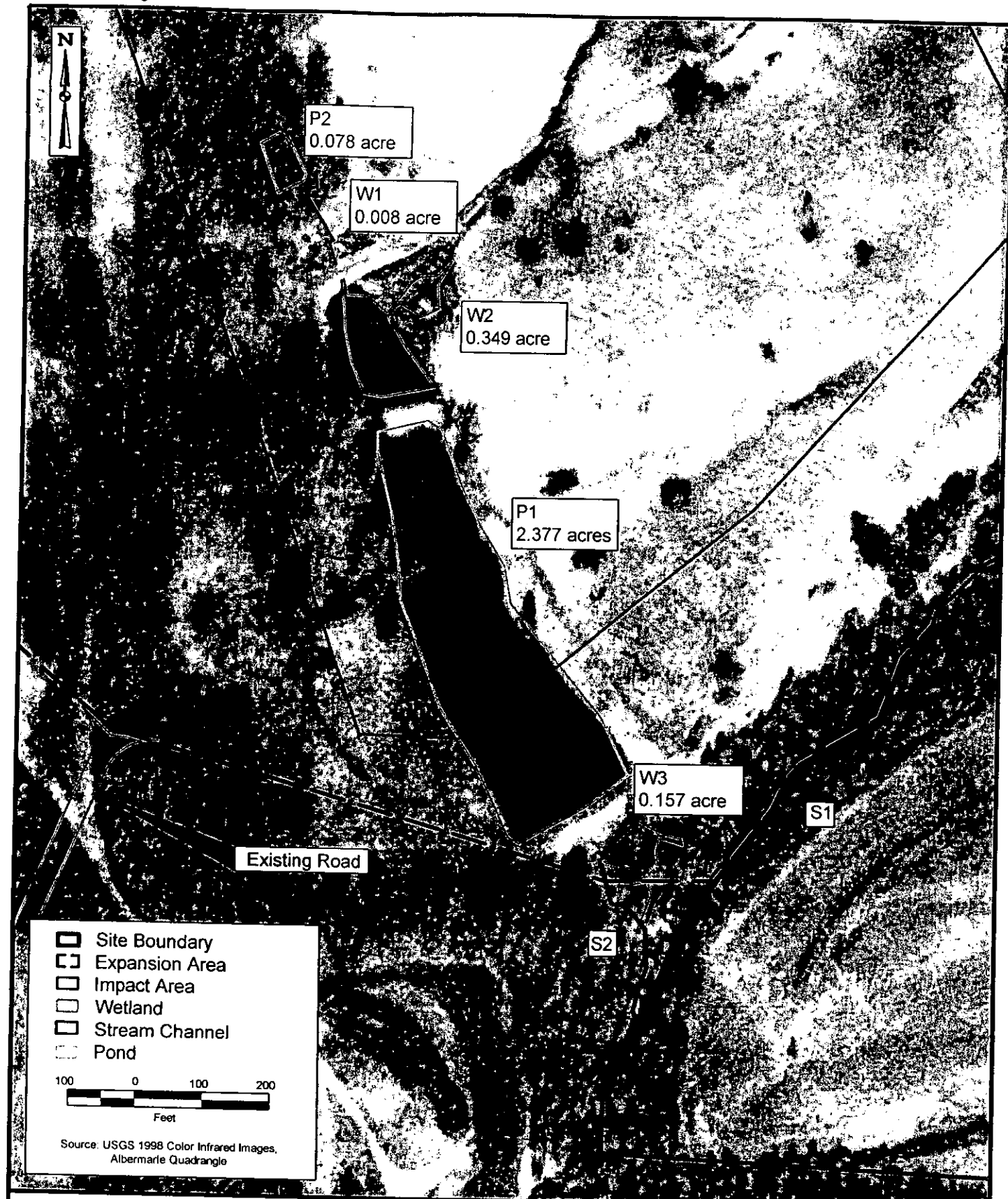
Figure: 2

Project: ER04066

Date: Jan 2005

AID 2004 30314





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Expansion Area Impacts  
**City of Albemarle Landfill**  
Stanly County, North Carolina

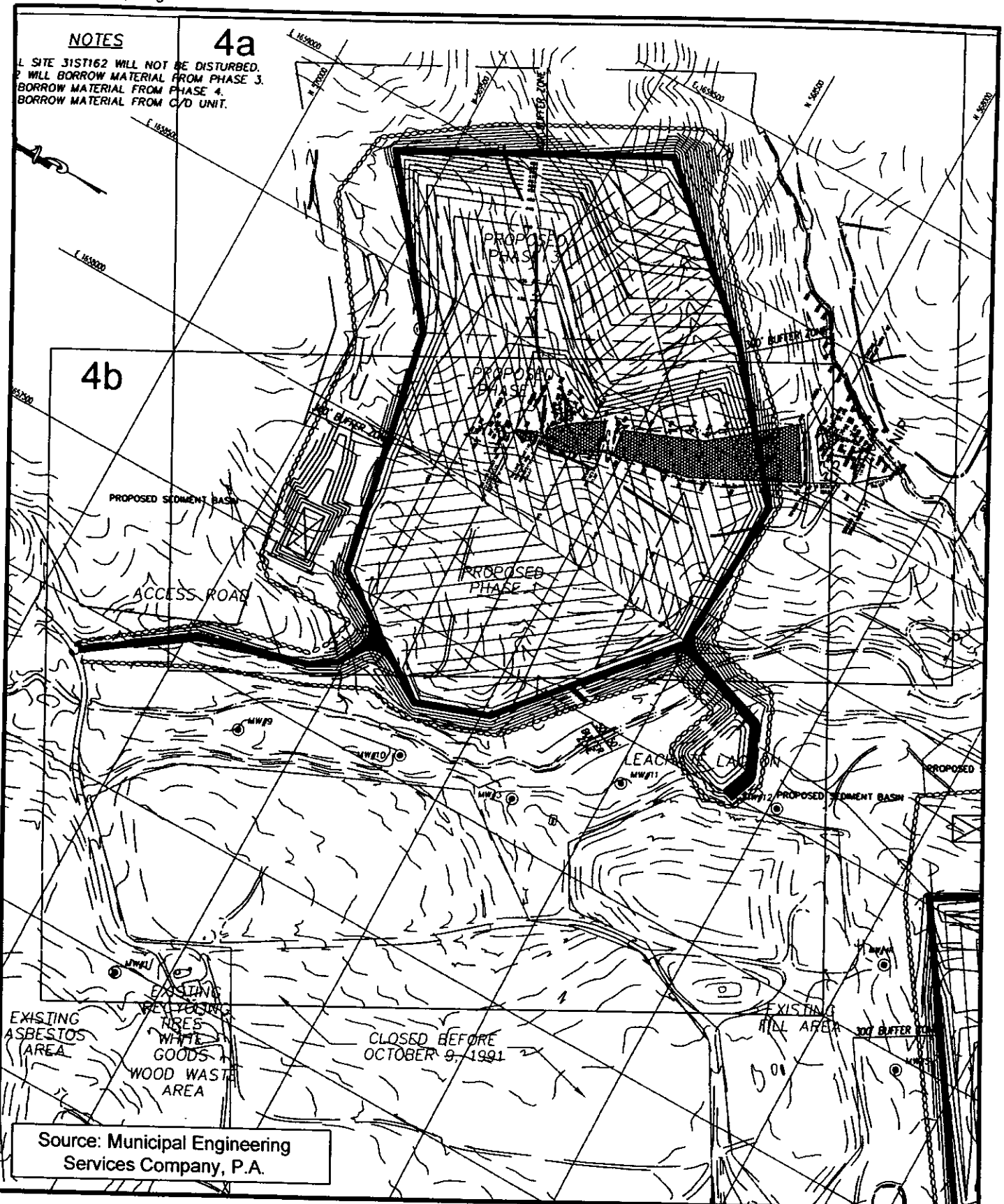
Figure:	3
Project:	ER04066
Date:	Jan 2005

AED 2004 30314



**NOTES****4a**

1. SITE 31ST162 WILL NOT BE DISTURBED.  
 2. WILL BORROW MATERIAL FROM PHASE 3.  
 BORROW MATERIAL FROM PHASE 4.  
 BORROW MATERIAL FROM C/D UNIT.

**4b**

Source: Municipal Engineering  
 Services Company, P.A.



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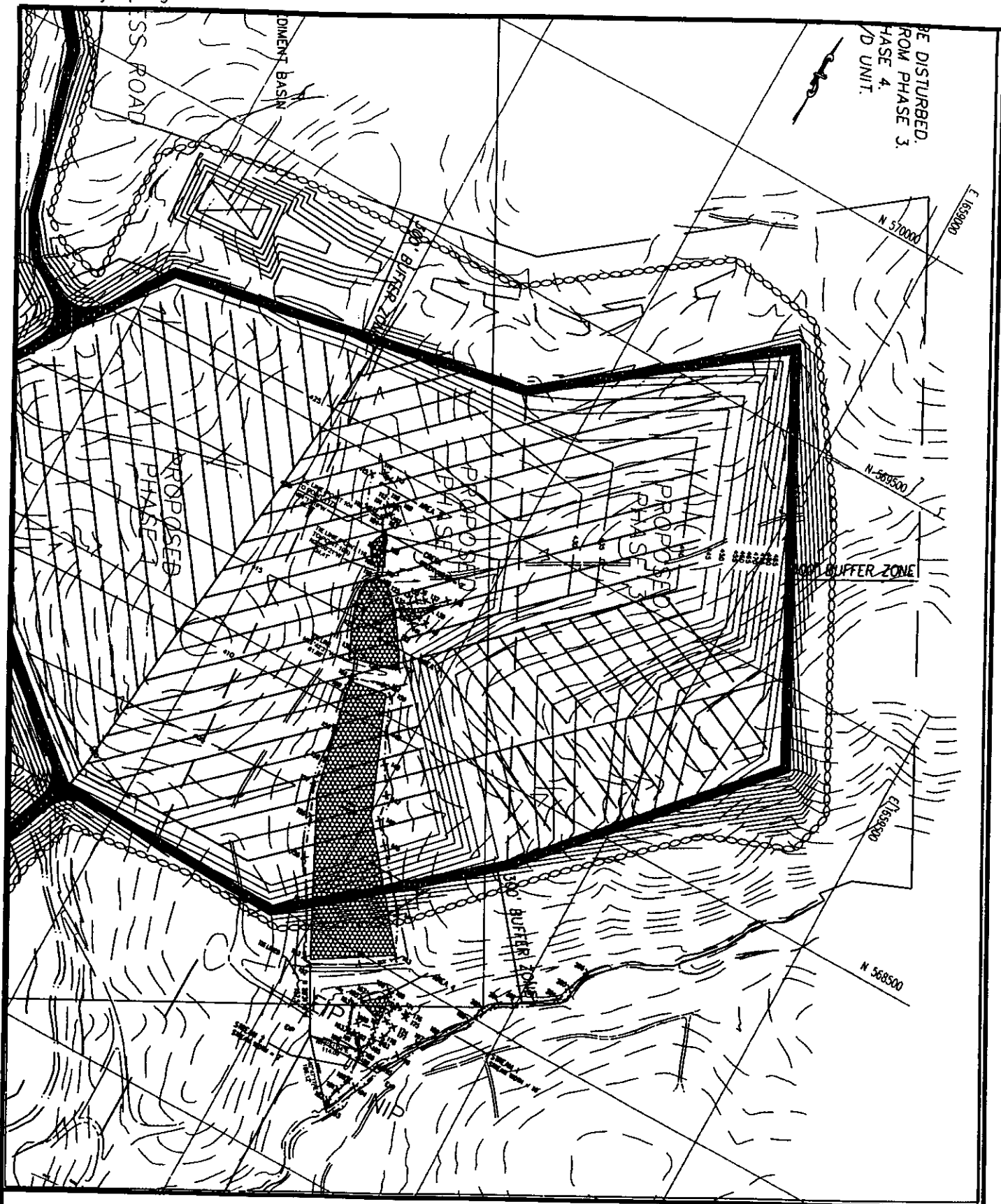
Index Map  
**City of Albemarle Landfill**  
 Stanly County, North Carolina

Figure: 4

Project: ER04066

Date: Jan 2005

AID 2004 30314



**Environmental  
Services, Inc.**

**Proposed Expansion Area  
City of Albemarle Landfill  
Stanly County, North Carolina**

Figure: 4a

Project: ER04066

Date: Jan 2005

ADD 200430314



Figure:	4b
Project:	ER04066
Date:	Jan 2005

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